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In re Application of
STOWE
Application No.: 10/549,467
PCT No.: PCT/DE04/00541
Int. Filing Date: 17 March 2004
Priority Date: 17 March 2003
Atty Docket No.: WET 0129 PCT
For: DEVICE FOR CLIMATE CONTROL OF A
MOTOR VEHICLE SEAT

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's correspondence filed 12 May 2006 in the United States Patent and Trademark Office (USPTO). The submission is being treated as a petition under 37 CFR 1.181. No petition fee is required

BACKGROUND

On 17 March 2004, applicant filed international application PCT/DE04/00541, which claimed a priority date of 17 March 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 September 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 17 September 2005.

On 14 September 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application, an Application Data Sheet, an Information Disclosure Statement and a preliminary amendment.

On 02 May 2006, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to file an executed oath or declaration of the inventor. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 12 May 2006, applicant filed the petition considered herein.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "IAP6 Rec'd PCT/PTO 04 APR 2006" and clearly identifies in part: "Transmittal Letter (Original & 1 copy) SIGNED Declaration and Power of Attorney" as well as listing the applicant, serial number and attorney docket number. The evidence is sufficient to establish that the combined declaration and power of attorney was received in the USPTO on 04 April 2006. Applicant has certified that the presently filed copy of the declaration is a true and complete copy of the papers originally filed on 04 April 2006.

An examination of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied on 04 April 2006. As such, it is proper to **GRANT** applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 17 March 2004 under 35 U.S.C. 363 and a date of **04 April 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The Form PCT/DO/EO/905 mailed 02 May 2006 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating a 371 date as detailed above.



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